

Solway Local Plan District - Local Flood Risk Management Plan 2016

Strategic Environmental Assessment
Screening Determination
May 2016

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1: Statutory Notice

DUMFRIES & GALLOWAY COUNCIL

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005

SCREENING DETERMINATION

NOTICE IS HEREBY GIVEN that Dumfries & Galloway Council has made a **determination** in respect of the Solway Local Plan District - Local Flood Risk Management Plan 2016

The Council has commissioned a Screening Report for the Solway Local Plan District - Local Flood Risk Management Plan 2016 and consulted on it with Historic Environment Scotland, Scottish Environment Protection Agency, Scottish Natural Heritage, English Heritage, Natural England and the Environment Agency. Following the consultation the Council has **determined** that the Plan is unlikely to have significant environmental effects additional to those for which there has already been an SEA Environmental Report and therefore that a full strategic environmental assessment of this Plan is **not** required.

A copy of the determination and Screening Report containing the Statement of Reasons is available for public inspection at **Militia House, Dumfries, DG1 2HR** or on the Council's website at <http://www.dumgal.gov.uk/> and also available by request from the Flood Risk Management Team at the above address, or by e-mail at pe.flooding@dumgal.gov.uk or by telephoning 030 33 33 3000.

James McLeod, 09 May 2016

Service Manager – Infrastructure, Economy, Environment & Infrastructure

2: Screening Determination by Dumfries & Galloway Council

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) SCREENING DETERMINATION UNDER SECTION 8(1) OF THE ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005

Solway Local Plan District -Local Flood Risk Management Plan 2016

This statement sets out Dumfries & Galloway Council's determination under Section 8(1) of the Act as follows:

- 1 Dumfries & Galloway Council consulted the consultation authorities referred to below via SEA Gateway on its SEA Screening Report in respect of the above noted Plan on 21 January 2016. The Report set out the Council's reasons as to why it was of the opinion that the above noted Plan is unlikely to have significant environmental effects additional to those for which there has already been an SEA Environmental Report. This Environmental Report was prepared in respect of the Scottish Flood Risk Management Strategies published in December 2015.
- 2 The Council has considered the responses of the consultation authorities on whether or not the Plan is likely to bring forward any new significant environmental effects:

Consultation Authority	Date of Opinion	Likelihood of Significant Environmental Effects
Scottish Environment Protection Agency	11 February 2016	NO
Scottish Natural Heritage	29 January 2016	NO
Historic Environment Scotland	29 January 2016	NO
English Heritage		No response
Natural England		No likely or possible effects identified
Environment Agency		No response

- 3 **In accordance with Section 9(4) of the Act, Dumfries & Galloway Council determines that the Solway Local Plan District - Local Flood Risk Management Plan 2016 is unlikely to have significant environmental effects. The reasons for this conclusion and determination are set out in the SEA Screening Report.**
- 4 Copies of (a) the Council's Screening Report and (b) the consultation authorities' responses are appended to this statement.

James McLeod, 09 May 2016

Service Manager – Infrastructure, Economy, Environment & Infrastructure

3: Screening Opinion Summary

Solway Local Plan District - Local Flood Risk Management Plan 2016		
SEA Screening Determination		
Part 1		
To: SEA.gateway@scotland.gsi.gov.uk		
Or to: SEA Gateway Team , 2-H (South) , Victoria Quay, Edinburgh EH6 6QQ		
Part 2		
An SEA Screening Determination is attached for the plan programme or strategy (PPS) entitled:	Solway Local Plan District - Solway Local Flood Risk Management Plan 2016	
The Responsible Authority is:	Dumfries & Galloway Council	
Now complete Part 3 or 4 or 5		
Part 3		
Screening is required by the Environmental Assessment (Scotland) Act 2005.		
The view and Determination of the Responsible Authority is that:		
1	An SEA is required because the PPS falls under the scope of Section 5(3) of the Act and is likely to have significant environmental effects or	No
2	An SEA is required because the PPS falls under the scope of Section 5(4) of the Act and is likely to have significant environmental effects or	No
3	An SEA is not required because the PPS is unlikely to have significant environmental effects	No
Part 4		
The PPS does not require an SEA under the Act. However, we wish to carry out an SEA on a voluntary basis. We accept that, because this SEA is voluntary, the statutory 28 day timescale for views from the Consultation Authorities cannot be guaranteed.	No	
Part 5		
Neither of the above (Part 3 and Part 4) apply.	Yes	
A screening report was prepared because:	<p>For the SEA process in respect of this Plan the question has been whether it includes <i>new</i> likely significant environmental effects additional to those that were assessed in SEA process for the Flood Risk Management Strategy for the Solway Local Plan District.</p> <p>The conclusion is that no new likely significant environmental effects were identified.</p> <p>In the absence of new likely significant environmental effects, a further Environmental Report is not required.</p>	
Part 6		
Contact name (for this screening report):	Brian Templeton	
Job title:	Flood Risk Management Team Leader	
Contact address:	Brian Templeton, Economy Environment & Infrastructure, Dumfries & Galloway Council, Militia House, Dumfries, DG1 2HR	
Contact telephone No:	01387 260303	
Contact email:	brian.templeton@dumgal.gov.uk	
Part 7		
Signature: Brian Templeton	Date: May 2016	

3: Key Facts for the Plan

Title of PPS	Solway Local Plan District - Local Flood Risk Management Plan 2016
SEA Screening Report: Key Facts	
Responsible Authority:	Dumfries & Galloway Council
Purpose of PPS	A Local Flood Risk Management Plan as required under the Flood Risk Management (Scotland) Act 2009
What prompted the PPS. (For example, is it a legislative or regulatory or administrative provision?)	See above
Subject: (For example, transport.)	Flood Risk Management
Period covered by PPS	2016 - 2022
Frequency of updates	6 years
Area covered by PPS. (For example geographic area. It is good practice to attach a map.)	Solway Local Plan District.
Summary of nature/content of PPS	Flood Risk Management in accordance with the Flood Risk Management (Scotland) Act 2009
Are there any proposed PPS objectives?	Yes - to satisfy the Flood Risk Management (Scotland) Act 2009 through the management of flood risk
List <i>or</i> summary of objectives <i>or</i>	See above
Copy of objectives attached?	See above
Date	May 2016

4: Screening Report



JBA Project Manager

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Revision History

Revision Ref / Date Issued	Amendments	Issued to
Draft report v0.1 / 20 November 2015	-	Ross Gibson (Dumfries and Galloway Council)
Revised draft report v0.2 / 15 January 2016	Change of reference from 2004 UK Regulations to 2005 Scotland Act based on revised opinion from SEA Gateway Amendments to conclusion	Ross Gibson (Dumfries and Galloway Council)
Final report v1.0 / 21 January 2016	Minor amendments	Ross Gibson (Dumfries and Galloway Council)

Contract

This report describes work commissioned by Dumfries and Galloway Council, by a letter dated 4 November. Dumfries and Galloway Council's representative for the contract was Ross Gibson of Dumfries and Galloway Council. David Bassett, Dorian Latham Alice Gent and Frances Tobin of JBA Consulting carried out this work.

Prepared by Alice Gent BSc
Assistant Analyst

Prepared by Dorian Latham BA PhD CEnv MIEEM
Technical Director

Reviewed by David Bassett BSc MSc CEnv MCIWEM C.WEM
Director

Purpose

This document has been prepared as a Draft Report for Dumfries and Galloway Council. JBA Consulting accepts no responsibility or liability for any use that is made of this document other than by the Client for the purposes for which it was originally commissioned and prepared.

JBA Consulting has no liability regarding the use of this report except to Dumfries and Galloway Council.

Acknowledgements

JBA Consulting wishes to thank Dumfries and Galloway Council for the information supplied about the Solway Local Plan District and to SEPA for supplying the scoping responses to the Strategic Environmental Assessment for Flood Risk Management Strategies scoping report.

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JBA is aiming to reduce its per capita carbon emissions.

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Abbreviations

EC	European Community
EAGGF	European Agricultural Guidance and Guarantee Fund
EIA	Environmental Impact Assessment
EQS	Environmental Quality Standards
EU	European Union
FRM	Flood Risk Management
FRMS.....	Flood Risk Management Strategies
LFRMP.....	Local Flood Risk Management Plan
LLA.....	Lead Local Authority
LNR.....	Local Nature Reserve
LPD.....	Local Plan District
NNR	National Nature Reserve
ODPM	Office of the Deputy Prime Minister
PP	Plan and / or Programme
PPS.....	Plan Programme or Strategy
Ramsar	The intergovernmental Convention on Wetlands, signed in Ramsar, Iran, in 1971
SAC.....	Special Area of Conservation, protected under the EU Habitats Directive
SEA.....	Strategic Environmental Assessment
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SPA.....	Special Protection Area for birds, protected under the EU Habitats Directive
SSSI.....	Site of Special Scientific Interest
WFD.....	Water Framework Directive

1 Introduction

The primary aim of this screening report is to identify whether or not the preparation of the Solway Local Flood Risk Management Plan (LFRMP)¹ requires a Strategic Environmental Assessment (SEA). The LFRMP is required under the Flood Risk Management (Scotland) Act 2009. This screening report provides the initial statement on the potential high-level environmental impacts that may arise from the LFRMP. The legislative regime driving the SEA process is also described, with the relevant specific regulations identified and the subsequent responses that the SEA will provide. Section 5 provides the screening assessment of the potential significant environmental effects resulting from the LFRMP and ultimately whether a statutory SEA is required. Section 6 confirms the conclusion of the screening process.

2 SEA Legislative Regime

The Environmental Assessment (Scotland) Act 2005 transposes into Scottish Law the European Directive 2001/42/EC (the SEA Directive). The 2005 Act forms the basis by which all SEAs are undertaken in Scotland to assess the effects and impacts of certain plans and programmes on the environment.

This SEA screening for the Solway LFRMP will adhere to the Scotland Act 2005 as the Solway Local Plan District (LPD) to which the Solway LFRMP refers, lies solely within Scotland (See Appendix A - Map of the Solway LPD and river catchments). The decision to use the Scotland Act 2005 by which to screen the Solway LFRMP has been concluded according to the "Strategic Environmental Assessment Guidance (2013)" by the Scottish Government which states that "Plans that are limited to Scotland, but which could have environmental effects on another part of the UK, are subject to the 2005 Act rather than the UK Regulations", together with guidance from the SEA Gateway². As the Solway River Basin lies within both Scotland and England and so has the potential for cross-border environmental impacts outside Scotland, the Solway LFRMP notes that "there are cross border arrangements with Cumbria Council and Carlisle City Council". The UK Consultation Bodies in addition to the Scotland Consultation Authorities shall therefore be consulted on this screening report.

Detailed practical guidance on the Act can be found in the Scottish Government 'Strategic Environmental Assessment Guidance' (August 2013) and Office of the Deputy Prime Minister (ODPM) 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005). These documents have been used as the basis of this screening report, in conjunction with the SEA Directive and the 2005 Act.

3 SEPA Flood Management Strategy and Local Flood Risk Management Plans

In order to comply with the 2009 Flood Risk Management Act, the Scottish Environmental Protection Agency (SEPA) has divided Scotland into 14 local plan districts which each required the production of a Flood Risk Management Strategy (published in December 2015)³. A LFRMP will then be produced for each of the districts by Lead Local Authority (LLA) by June 2016 which will set out the supplementary details and implementation actions and timescales for actions within the pre-defined Potentially Vulnerable Areas where it has been decided that flood risk actions should be focused. As the districts traverse local authority boundaries, 14 Lead Local Authorities (LLAs) have been selected to produce the LFRMPs.

These Local Plans will provide additional local details on the funding and timescales for actions that correspond to the objectives for the Local Plan Districts as outlined in the Flood Risk Management Strategies. Figure 3-1 below outlines the connection of the LFRMPs with other policy documents.

¹ Dumfries and Galloway Council (November 2015) Solway Local Plan District (LPD 14). Consultation material on: Draft Flood Risk Management Strategy and Draft Local Flood Risk Management Plan,

² Email from William Carlin (SEA Gateway) to JBA Consulting, dated 25 November 2015

³ SEPA (2015) Flood Risk Management Strategy: Solway.

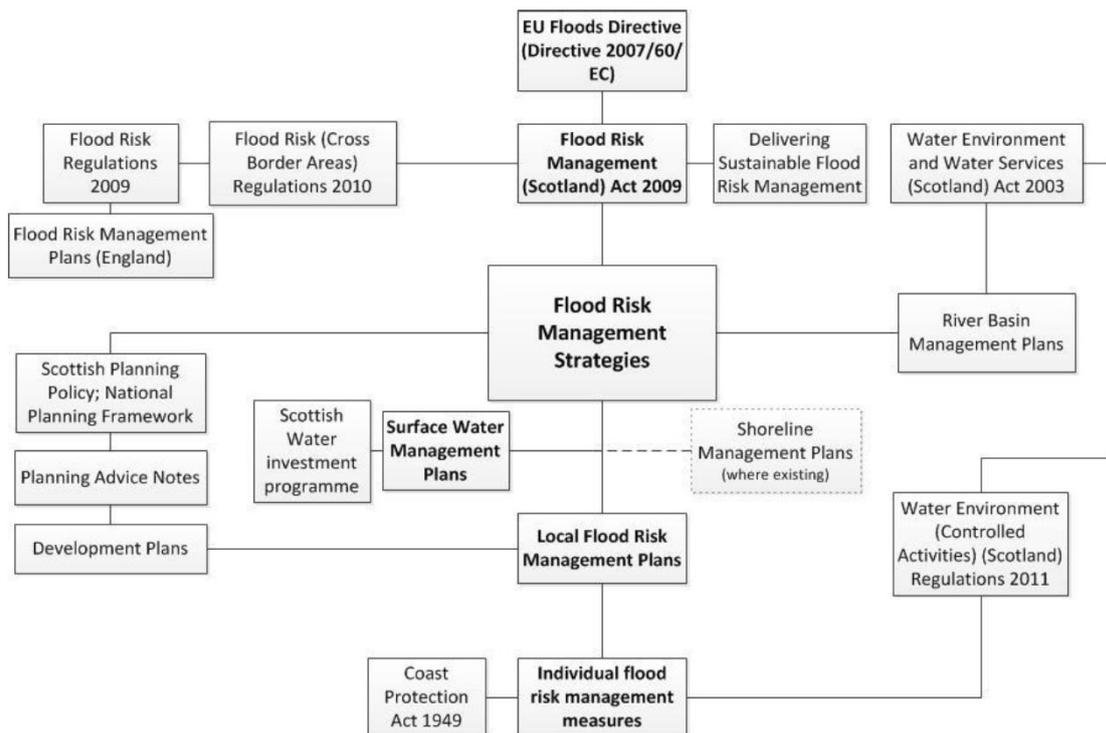


Figure 3-1: Context of the LFRMP (from SEPAs 'Strategic Environmental Assessment for Flood Risk Management Strategies, Scoping Report (November 2013))

In accordance with the Environmental Assessment (Scotland) Act 2005, SEPA screened the requirement for SEA for the FRM Strategies and concluded that a statutory SEA would be required under section 5(3) of the 2005 Act, as the strategies relate to water management and would have the potential to cause significant environmental effects.

Following the screening, scoping and environmental report stages undertaken for the SEA of the Strategies, SEPA produced a Post Adoption Statement (December 2015) which primarily detailed how "environmental considerations have been integrated into the Flood Risk Management Strategies" and "how opinions expressed in the consultation on the draft Flood Risk Management Strategies and Environmental Report have been taken into account".

The Post Adoption Statement noted that analysis of cross border impacts for the Solway (and Tweed) LPDs was facilitated by the Cross Border Advisory Group which concluded "that there was limited potential for cross border impacts" but that "effects will need to be examined again at project level when more details is available on the type, location and scale of actions" in order to correctly assess any impacts.

4 Assessment Criteria

Article 3 of the SEA Directive describes and sets out the scope of application of the Directive and makes SEA mandatory for plans or programmes that are likely to have significant effects on sites designated under the European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) - namely Special Areas of Conservation (SAC), Ramsar sites and Special Protection Areas (SPA).

The methodology for the screening determination is specified within Paragraph 5 of Article 3 of the Directive, which requires that the full criteria identified in Annex II are taken into account when considering the environmental effects of the LFRMP and their significance. The implication from the text of Article 3 Paragraph 5 and Annex II is that the whole set of Annex II criteria needs to be considered, but only the relevant criteria applied to the assessment.

The criteria for determining the likely significance of effects referred to in Article 3 Paragraph 5 of Directive 2001/42/EC (and noted in Annex II) are set out below:

1. The characteristics of plans or programmes, having regard, in particular, to:-

- The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size, and operating conditions or by allocating resources.
- The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.
- The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.
- Environmental problems relevant to the plan or programme.
- The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).

2. The characteristics of the effects and of the area likely to be affected, having regard, in particular to:-

- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The transboundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).
- The value and vulnerability of the area likely to be affected due to :-
- Special natural characteristics or cultural heritage.
- Exceeded environmental quality standards or limit values.
- Intensive Land-use
- The effects on areas or landscapes which have a recognised National, Community or International protection status.

These criteria and characteristics are developed further in the following section and are presented with reason and comment in the context of the Solway LFRMP.

5 Assessment Screening Process

The following section is based on the flowchart presented on page 10 of 'Strategic Environmental Assessment Guidance' (2013), which is reproduced in Figure 5-1 below.

This details the application of the SEA Directive to plans and programmes according to the 2005 Act, and illustrates the screening process.

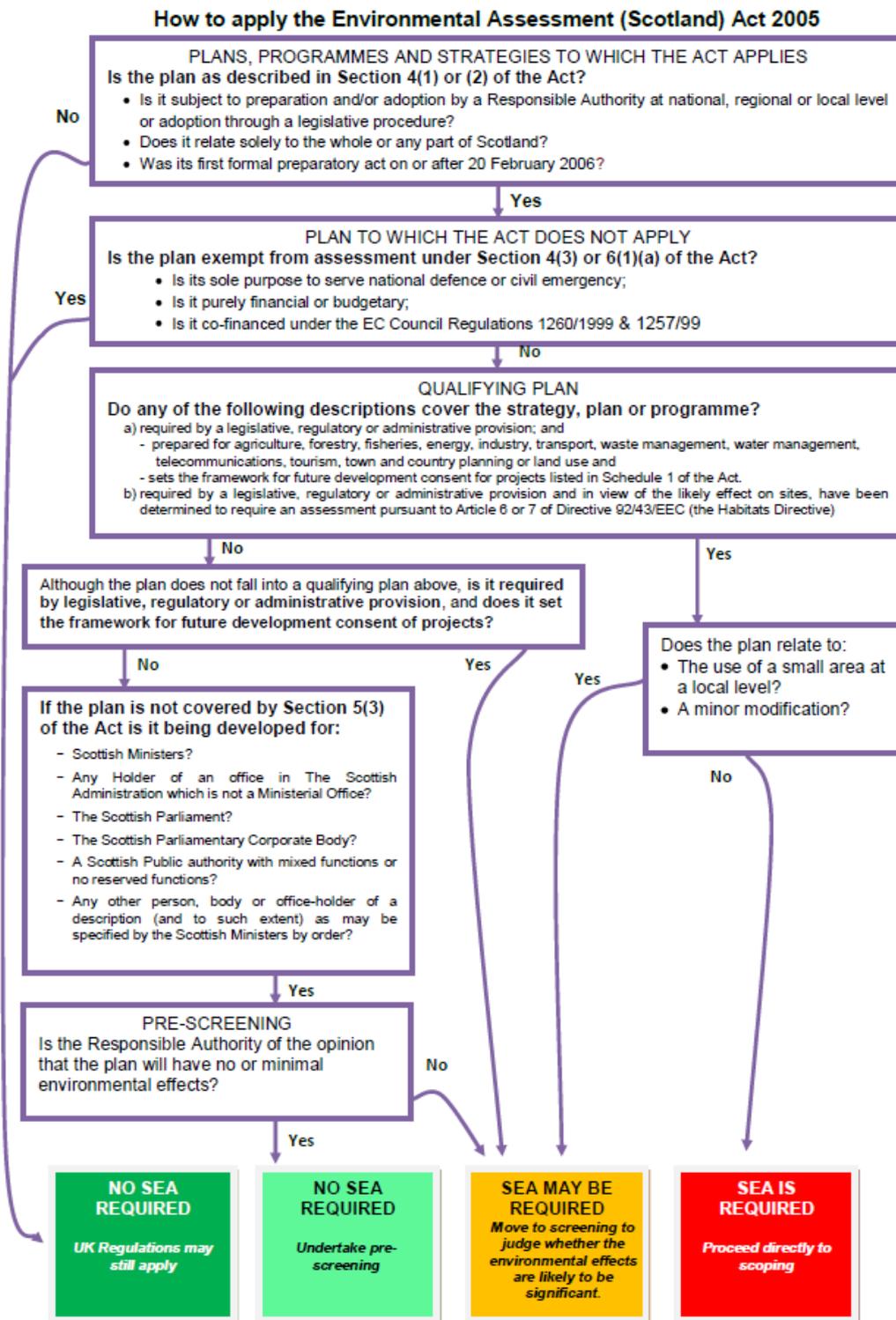


Figure 5-1: Application of EU Directive 2001/42/EC - the 'SEA Directive'
(Source: Office of the Deputy Prime Minister (ODPM) 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005).)

Table 5-1 and Table 5-2 below provide responses to the questions from the flowchart and also details the conclusion of the screening process.

Notes have also been made to identify how the Solway LFRMP objectives correlate with the objectives in the Solway Flood Risk Management Strategy in the final columns of Table 5-1 and Table 5-2. The Strategy and LFRMP focus on the specific objectives identified for each of the 26 Potentially Vulnerable Areas within the Solway LPD and the LFRMP outlines specific actions which could be undertaken to meet these objectives.

Does the plan relate to: <ul style="list-style-type: none"> The use of a small area at a local level? A minor modification? 	Yes	The Solway LFRMP is a 'Local' Plan.	The Solway LPD as defined in the Solway FRM Strategy defined the LPD as an area of 7090 km ² and is likely to involve more than minor modifications.
Have any of the components of the plan been considered in previous environmental assessments?	Yes	An environmental report has been written for the FRM Strategies with a chapter on the Solway LPD to assess the likely positive and negative impacts from the objectives set out in the Solway FRM Strategy.	
<p>CONCLUSION = Whilst the answers provided to the questions above suggest that an SEA may be required, the LFRMP provides supplementary site specific actions to the objectives set out in the higher level Solway FRM Strategy for which the environmental effects have already been assessed in the SEA Environmental Report for the FRM Strategies.</p>			

Table 5-2 below gives initial comment regarding the likely significance of the various effects considered to arise from the LFRMP (Section 4).

Table 5-2: Initial Assessment of Effect Significance

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)	Relation of the LFRMP to the Solway FRM Strategy ⁴
1. The characteristics of plans or programmes having regard, in particular, to:			
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size, and operating conditions or by allocating resources.	Yes	The LFRMP will set a framework for any flood risk management projects and activities deemed necessary to manage flood risk within the Solway LFRMP district. The location, nature, size, operating conditions and allocated resources of these will depend on the level of flood risk.	The LFRMP sets out specific actions for the objectives outlined in the Solway FRM Strategy. These actions will be used as the basis for more detailed project plans, for example for flood defence works for which specific assessments will be undertaken.
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	Yes	The LFRMP will support the FRM Strategy for the Solway and other existing policies, as well as influencing and being influenced by emerging policies.	The LFRMP is part of a hierarchy of documents which assess flood risk. The LFRMP actions are based on the objectives in the Solway FRM

⁴ The Flood Risk Management Strategy for the Solway LPD has already been subject to SEA process including the production of a Post Adoption Statement. The LFRMP contain no additional objectives than in the Strategy.

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)	Relation of the LFRMP to the Solway FRM Strategy ⁴
			Strategy
The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development	Yes	By integrating the SEA process with the FRM strategy development process, environmental considerations will be integral, maximising the potential to promote sustainable development by reducing flood risk to people and property. Contributing to achieving sustainable development is a stated aim of the Flood Risk Management Act 2009.	The LFRMP is aligned with the Solway FRM Strategy through the two general objectives for the Solway LPD - avoid an overall increase in flood risk (14033) and reducing overall flood risk (14040), relating to the aims of the Flood Risk Management (Scotland) Act 2009.
Environmental problems relevant to the plan or programme.	Yes	The LFRMP may include objectives or measures that influence existing environmental issues in the plan area.	The LFRMP objectives correspond directly with the objectives outlined in the Solway FRM Strategy. The environmental problems or benefits likely to result from these objectives are assessed in the SEA Environmental Report for the FRM Strategies.
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	Yes	The LFRMP will be based on the Flood Risk Management (Scotland) Act 2009 which transposes the EU Floods Directive (Directive 2007/60/EC) into Scottish law. The LFRMP will contribute to Water Framework Directive (WFD) objectives.	Planning policies are identified as an action in both the LFRMP and Solway FRM Strategy as an important part of avoiding an increase in flood risk and reducing overall flood risk through catchment based management.
The characteristics of the effects and of the area likely to be affected, having regard, in particular to:			
The probability, duration, frequency and reversibility of the effects.	Yes	<i>There is a high probability that the LFRMP will result in long-term and likely permanent effects to the environment (both positive and negative),</i>	The SEA Environmental Report for the FRM Strategies has assessed the potential significant effects (positive and

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)	Relation of the LFRMP to the Solway FRM Strategy ⁴
		<i>the frequency of which would depend on the preferred Plan / Programme. Environmental effects will be assessed as part of the SEA, with adverse impacts mitigated or avoided.</i>	negative) of the shortlisted actions for the Solway LPD
The cumulative nature of the effects.	Yes	There is potential for the LFRMP to have cumulative effects both spatially and temporally.	The actions detailed in the LFRMP against the objectives outlined in the Solway FRM Strategy have not specifically assessed the cumulative nature of effects. Dumfries and Galloway Council are committed to ensuring that these will be assessed at project level when further details are available.
The transboundary nature of the effects.	No	The Solway District comprises an area which crosses 5 local authority boundaries - Dumfries and Galloway, east Ayrshire, South Ayrshire, Scottish Borders and South Lanarkshire. According to Art. 7 of Directive 2001/42/EC, transboundary refers to when there are effects in another EU Member State and as the Solway LFRMP effects will be restricted to the UK, there are no international boundaries of relevance to the LFRMP. However, as part of a river catchment in the Solway district lies within England, there may be cross-border effects outside of the Solway LPD and the LFRMP notes that cross-border	The Solway FRM Strategy notes that it has been developed in partnership with Cumbria County Council and Carlisle City Council in order to undertake cross border arrangements. The SEA Environmental Report for the FRM Strategies noted that actions, for example in the Solway Firth, have the potential to have impacts within English borders, although this is only a proposed action for the 2016-2021 planning cycle which may not be able to be implemented in this time period. The actions proposed in the LFRMP align with the actions in the Strategy but further project

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)	Relation of the LFRMP to the Solway FRM Strategy ⁴
		arrangements have been made with Cumbria Council and Carlisle City Council in England.	specific studies would need to be undertaken to understand these specific effects.
The risks to human health or the environment (e.g. due to accidents).	Yes	The LFRMP aims to control the risks associated with flooding and will therefore have a positive effect for people and property.	The Solway FRM Strategy outlines the two general objectives for the Solway LPD (to avoid overall increase in flood risk and to reduce overall flood risk). The SEA Environmental Report for the FRM Strategies notes the positive effect this will have on human health.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	Yes	The LFRMP must address the issues associated with flooding for the whole Solway district. As indicated above, cumulative, transboundary and cross-border issues will also be considered.	The Solway LPD boundary is defined in the Solway FRM Strategy. The locations where actions identified in the LFRMP are proposed, remain within this boundary.
The value and vulnerability of the area likely to be affected due to :- Special natural characteristics or cultural heritage Exceeded environmental quality standards (EQS) or limit values Intensive land-use	Yes	Significant natural and cultural features are likely to be at risk of flooding. Flooding can cause EQS and other related values to be exceeded; the LFRMP aims to reduce the occurrence and impacts of such events.	The SEA Environmental Report for the FRM Strategies notes, in the assessment for the Solway objectives, that consultation with all relevant organisations (such as Historic Environment Scotland) must be recommended at all stages in order for reduction of adverse impacts and to maximise positive effects.
The effects on areas or landscapes which have a recognised National, Community or International protection status.	Yes	Consideration of potential impacts on such sites will be a key aspect of the integrated approach to the LFRMP and SEA processes. There are various	The SEA Environmental Report for the FRM Strategies notes, in the assessment for the Solway objectives, that

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)	Relation of the LFRMP to the Solway FRM Strategy ⁴
		nationally designated landscape areas within the plan area including Wigtown Bay (LNR), Caerlaverock (NNR), Kirkconnell Flow (NNR), Cairnsmore of Fleet (NNR), Solver Flowe (NNR, Ramsar, SSSI), Solway Firth (Ramsar, SAC, SPA), Loch of Inch and Torrs Warren (Ramsar, SPA, SSSI), Luce Bay and Sands (SAC), Merrick Kells (SAC, SSSI), Moffat Hills (SAC), Langholm (SPA, SSSI) amongst a number of other designated sites. (See Appendix B for mapping of these sites)	consultation with all relevant organisations (such as Scottish Natural Heritage) must be recommended at all stages in order for reduction of adverse impacts and to maximise positive effects.

6 Conclusion

The purpose of the Solway LFRMP is to address water management within the Solway LPD. Preparation of the Plan is the responsibility of Dumfries and Galloway Council. The document is required by the Flood Risk Management (Scotland) Act 2009.

Given the scale and scope of the LFRMP, the screening assessment set out in Section 5 considers that the Solway LFRMP is likely to have significant environmental effects and so may require an SEA. However, as there are no additional objectives in the version of the LFRMP assessed at the time of this screening report, to the objectives recorded in the Solway FRM Strategy, it is considered that the environmental impacts (positive and negative) for these objectives have already been assessed by the SEA Environmental Report undertaken for the FRM Strategies. This view is supported by the SEA Environmental Report for the FRM Strategies which notes that *"further environmental assessment (SEA or EIA) will take place at more detailed level of flood risk management planning where required...It is likely that the issues addressed in this environmental report will cover many, if not all, of the significant environmental effects of the Local Flood Risk Management Plans"*. As the objectives in the LFRMP have been assessed as part of the objectives in the Solway FR Strategy, it is essential that appropriate environmental assessment is undertaken for specific projects / plans at the outline / detailed design stage. This is to ensure that no environmental impacts occur without having been assessed at an appropriate level. It is also important that any changes which are made to the objectives in the Plan are re-assessed, as they will no longer correspond to the objectives in the Strategy and thus cannot be considered to be covered by the SEA Environmental Report undertaken for the FRM Strategies.

Both the Solway FRM Strategy and the LFRMP will be updated every planning cycle and so this screening report is specific to the Solway LRFMP for the planning cycle 2016-2021. Therefore, on the basis of the information provided above, it is considered that the Solway LFRMP does not require to proceed with a SEA for the planning cycle 2016-2021, but that all projects / plans which result from the proposed actions to meet the objectives (excluding non -structural actions) should have an appropriate environmental assessment as required. It should also be noted that if any additional objectives are included in a later version of the Solway LFRMP, then these changes should be screened to determine the requirement for SEA.

7 Consultation

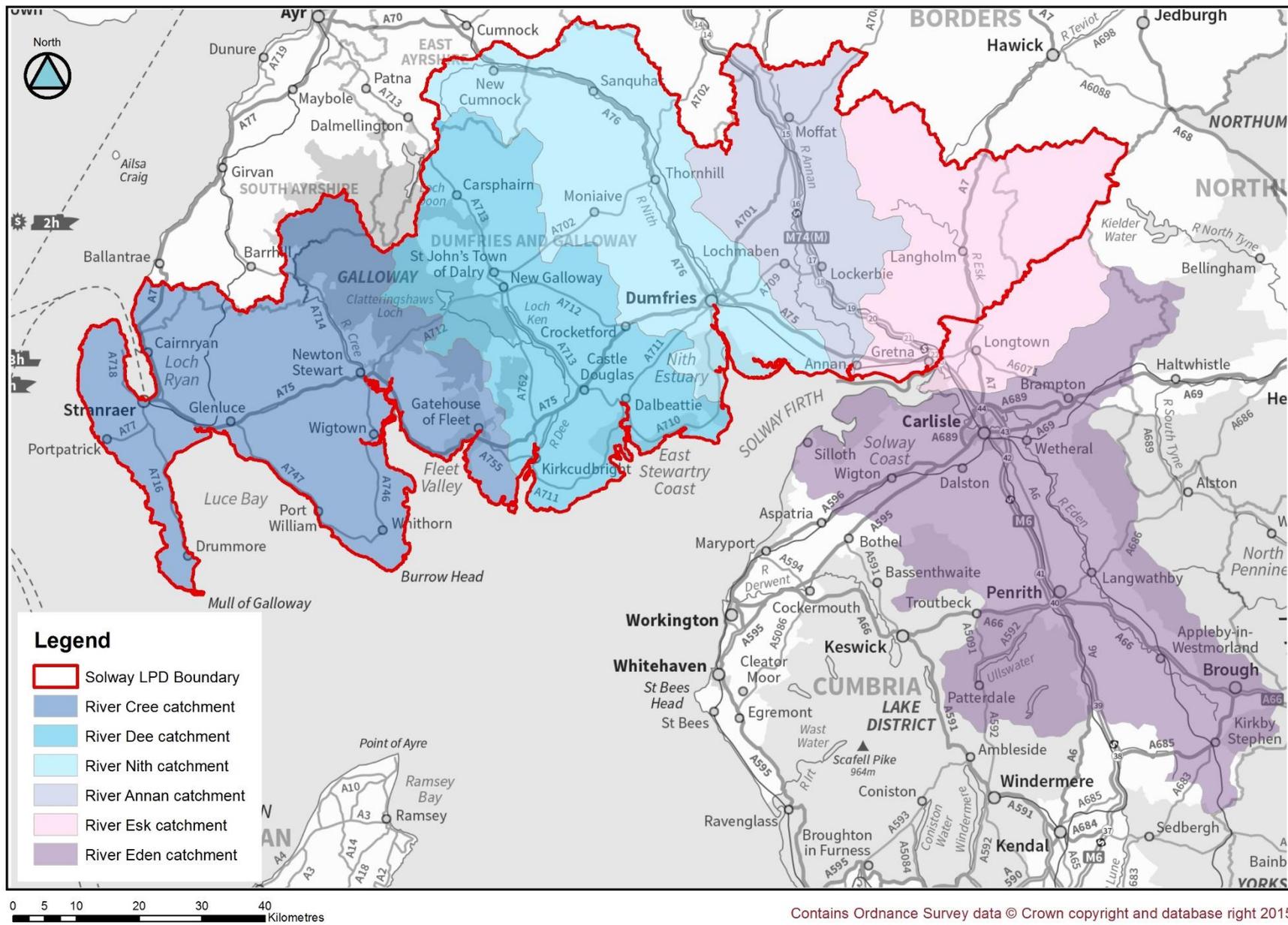
Dumfries and Galloway Council will submit this screening report to the SEA Gateway, who will then co-ordinate the consultation with the various consultees. There are three statutory Consultation Authorities for Scotland: Scottish Environmental Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Environment Scotland and three Consultation Bodies for England: English Heritage, Natural England and the Environment Agency.

Consultation Authorities / Bodies have a statutory duty to review screening reports submitted for projects and may also chose to provide opinions if the project proceeds to the scoping and the Environmental Report stages. Their role is to provide environmental expertise to the SEA assessment process.

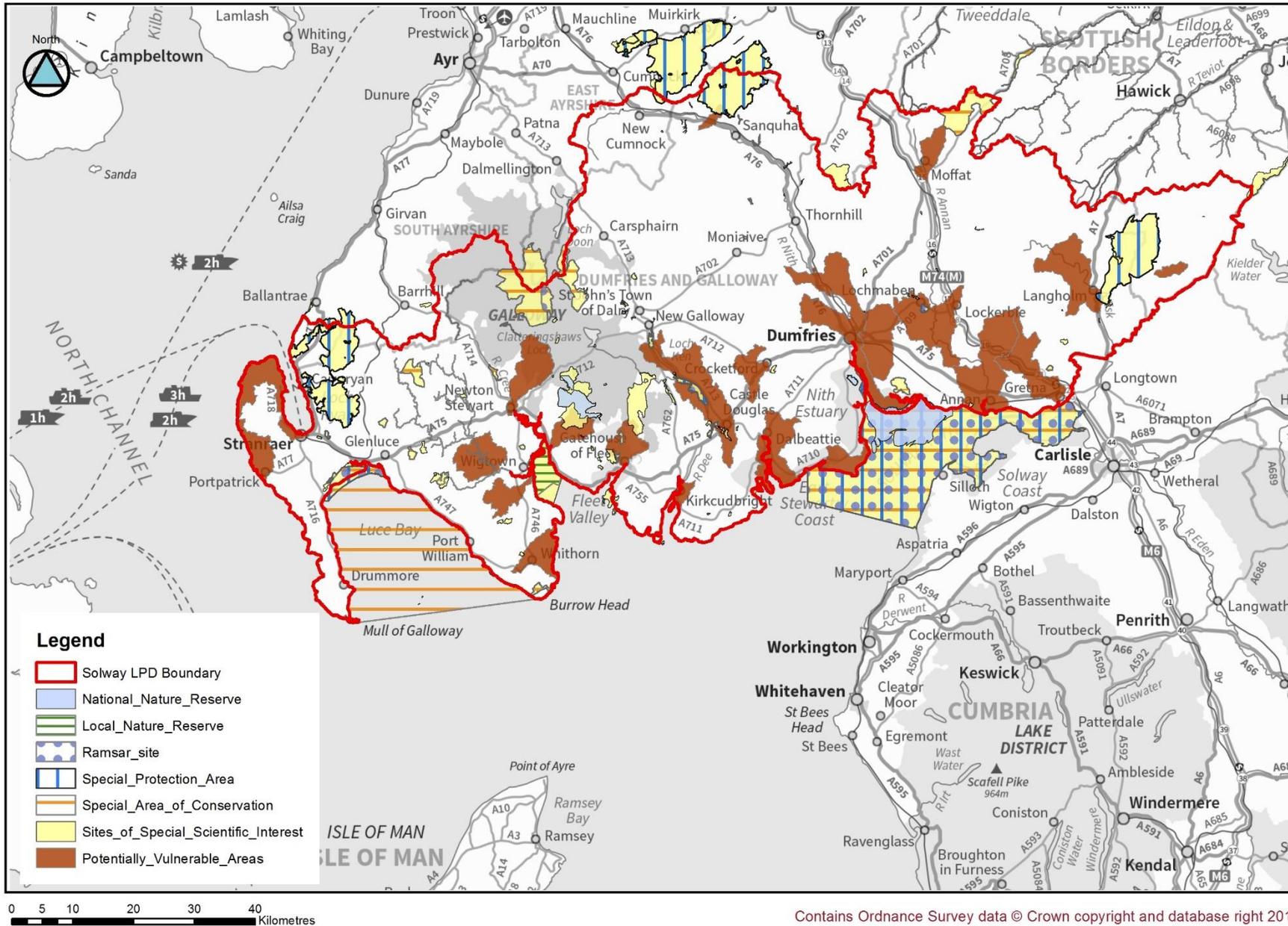
This screening is being submitted under the Environmental Assessment (Scotland) Act 2005 and so requires consultation with SEPA, SNH and Historic Environmental Scotland. However, whilst the Solway LPD lies solely within Scotland, there are cross border arrangements with local authorities in England, so it is requested that this screening report is also submitted to the three Consultation Bodies for England. Thus, consultation is sought from the 6 Scottish and English Consultation Authorities and Bodies respectively, for their opinions and comments on the conclusion outlined above. The Council will then determine whether or not further SEA process is required in respect to the Solway LFRMP for 2016-2021 and acknowledge any comments from the consultation Authorities and Bodies. The information will be made available to the public through Dumfries and Galloway Council's website and the Council offices.

Appendices

A *Map of the Solway LPD and river catchments*



B *Map of statutory designated nature conservation sites in the Solway LPD*



References

European Council (1992) *Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*. Official Journal of the European Communities.

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5: Responses from SEA Consultation Authorities

5a: SEA Gateway covering letter

Local Government and Communities Directorate
Planning and Architecture Division

T: 0131-244 7650 F: 0131-244 7555
E: Johnathan.Whittlestone@gov.scot
D: 12 February 2016

Alice Gent
Port Neuk
1 Longcraig Road
South Queensferry
Edinburgh
EH30 9TD



01146 Screening - Dumfries and Galloway Council - Solway Local Flood Risk Management Plan

Dear Alice,

With reference to the Screening document you submitted on 21 January 2016.

The Consultation Authorities have now considered your screening request as per Section 9(3) of the Environmental Assessment (Scotland) Act 2005. For convenience I have set out, in the table below, their individual views on whether there is a likelihood of significant environmental effects.

Please note, these are the views and opinions of the Consultation Authorities on the likelihood of significant environmental effects arising from the plan or programme and not a judgement on whether an SEA is required. It is therefore for the Responsible Authority to determine whether an SEA is required in the circumstances. I have attached the individual letters from the Consultation Authorities, outlining their views and opinions. Where possible the Consultation Authorities may have offered supplementary information and/or advice for you to consider, which you should find helpful.

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Scottish Natural Heritage	No
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

As the Consultation Authorities have now notified you of their views, you should now refer to the 2005 Act to consider your next step. You should of course take into account the advice offered by the Consultation Authorities.

You should note, as per Section 10 of the 2005 Act, within 28 days of your determination about whether an SEA is required or not, a copy of the determination and any related

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot



5b: Scottish Natural Heritage Response



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Mr Peter Shellard
Dumfries and Galloway Council
Council Offices
English Street
Dumfries
DG1 2DD

29 January 2016
Our ref: CNS/SEA/SSEA/01146/CEA139823

Dear Mr Shellard

Environmental Assessment (Scotland) Act 2005: Solway Local Flood Risk Management Plan - Screening Determination

Thank you for your screening report submitted on 22 January via the Scottish Government SEA Gateway in respect of the above plan. SNH has considered your screening report using the criteria set out in Schedule 2 of the 2005 Act.

We understand that you do not believe that an SEA of the Local Flood Risk Management Plan is required because the Flood Risk Management Strategy has been through the SEA process and no additional measures or actions are proposed in the Local Plan.

We have spoken to SEPA to discuss the further appraisal work that has been undertaken since the consultation on the Strategies and the production of the Environmental Report. We have also been given drafts of the Strategies so that we can see how they compare with what was set out in the consultation.

As a result of this we are now able to agree that no further Strategic Environmental Assessment work is required for the Local Flood Risk Management Plan beyond that which was undertaken for the Strategy.

Should you wish to discuss this screening determination, please contact Sarah Hutcheon (sarah.hutcheon@snh.gov.uk) on 0131 316 2617 or via SNH's SEA Gateway at sea.gateway@snh.gov.uk.

Yours sincerely

(by email)

Karen Rentoul
Operations Officer
Southern Scotland

Copy to: sea.gateway@snh.gov.uk,
sea.gateway@sepa.org.uk,
hssea.gateway@gov.scot

Scottish Natural Heritage, Anderson's Chambers, Market Street, Galashiels TD1 3AF
Tel 01896 756652 Fax 01896 750427 email: forename.surname@snh.gov.uk www.snh.gov.uk

5c: Historic Environment Scotland Response

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

Ms Alice Gent
JBA Consulting
Port Neuk
1 Longcraig Road
SOUTH QUEENSFERRY
EH30 9TD

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8704
Switchboard: 0131 668 8600
Virginia.Sharp@gov.scot

Our ref: AMN/23/643
Our Case ID: 201506695
Your ref: 01146 SCREENING
29 January 2016

Dear Ms Gent

Environmental Assessment (Scotland) Act 2005 Dumfries and Galloway Council - Solway Local Flood Risk Management Plan

Thank you for consulting Historic Environment Scotland on the screening report for Dumfries and Galloway Council's Local Flood Risk Management Plan for the Ayrshire Local Plan District, received by the Scottish Government's SEA Gateway on 21 January 2016. I have reviewed the screening report on behalf of Historic Environment Scotland in its role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so I have used the criteria set out in Schedule 2 for determining the likely significance of the effects on the environment. Please note that our view is based on our main area of interest for the historic environment.

I note from the screening report that there will be no additional actions within this Local Flood Risk Management Plan (LFRMP) that have not been identified within the previously assessed parent Flood Risk Management Strategy (FRMS) undertaken by SEPA. Furthermore, I note that it is the Council's view that the level and detail of the assessment of the FRMS adequately covers the potential environmental effects of the plan and that the further detail within the LFRMP will relate to delivery and funding of the recommendations of the FRMS.

In light of the information contained within the screening report I agree that the LFRMP in itself is unlikely to have significant effects on the historic environment. I welcome your intention to revisit the screening process in the event that additional objectives, not previously assessed as part of the parent FRMS, are considered in the course of the plan making process.

However, as you will be aware, it is the responsibility of Dumfries and Galloway Council as the Responsible Authority to determine whether the plan requires an environmental assessment and to inform the Consultation Authorities accordingly.

Please do not hesitate to contact me should you wish to discuss this response.

Yours sincerely

Virginia Sharp
Senior Heritage Management Officer, SEA

Historic Environment Scotland - Scottish Charity No. SC045925
Registered Address: Longmore House, Salisbury Place, Edinburgh, EH9 1SH

5d: Scottish Environment Protection Agency Response



Our ref: PCS/144926
SG ref: SEA/01146/Scr

If telephoning ask for:
Nicki Dunn

11 February 2016

Peter Shellard
Dumfries and Galloway Council
Council Offices
English Street
Dumfries
DG1 2DD

By email only to: sea.gateway@scotland.gsi.gov.uk

Dear Sir

Environmental Assessment (Scotland) Act 2005 Solway Local Flood Risk Management Plan - Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 29 January 2016.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005 we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment. Having reviewed the Screening Report, we consider that in respect of our main areas of interest (air, water, soil, human health, material assets (of which we have a specific interest in waste) and climatic factors) the plan is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for Dumfries and Galloway Council as Responsible Authority to make a formal determination taking into account the consultation responses received.

If it is formally determined that SEA is required, you will be aware that the next stage requires the Responsible Authority to consult the Consultation Authorities on the proposed scope and level of detail to be included within the Environmental Report. This can be undertaken through preparation of a concise Scoping Report. We would encourage you to use the scoping process to focus the assessment on those SEA issues upon which there are likely to be significant environmental effects, to outline the baseline information you consider as most relevant and explain your proposed method of assessment. To assist with this process we have produced [Standing Advice for Responsible Authorities on Strategic Environmental Assessment \(SEA\) Scoping Consultations](#).

We are committed to providing early and focused advice and supporting continuous engagement and would therefore welcome the opportunity to meet with you and discuss these issues prior to the formal consultation. Further information can be found in the [Scottish Government SEA Guidance](#).



Chairman
Paul Davidson
Chief Executive
Terry Altham

Angus Smith Building
6 Parklands Avenue, Edinburgh
Holytown, North Lanarkshire AL1 1AW
tel 01608 880000 fax 01608 738155
www.sepa.org.uk • customer enquiries 0200 99 00 99

5e: Consultation response and emails to/from Natural England

Date: 18 February 2016
Our ref: 176974
Your ref: 01146

Johnathan Whittlestone
Business Support Manager
Scottish Government

BY EMAIL ONLY



Sustainable Development
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Johnathan

Planning consultation: Dumfries & Galloway Council – Solway Local Flood Risk Management Plan – Strategic Environmental Assessment Screening Report

Thank you for your consultation on the above received by Natural England on 22 January 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Environmental Assessment (Scotland) Act 2005

We note that the overall conclusion of the submitted screening report is that a Strategic Environmental Assessment (SEA) is not required for the Solway Local Flood Risk Management Plan (LFRMP). The SEA Directive and Regulations require that the process must include a number of specific elements, the more important of which include screening and scoping. However a screening process is only normally required to determine whether alterations and plans for small areas at a local level should be subject to assessment. This will not normally be carried out for a district wide plan or strategy as it would almost always trigger the need for SEA. Therefore, we advise that the implementation of an LFRMS across the Solway area is likely to have significant environmental effects and should be screened in as being covered by SEA.

However we note that the report uses the justification that no additional objectives are included in the LFRMS to those covered by the SEA for the Solway FRM Strategy and therefore no additional SEA is needed. However our general advice for strategies at any level, that have the potential to impact on the environment, is to undertake a specific SEA for that strategy so that it is clear exactly what is being assessed. This also ensures that when it comes to the individual project stage that irreconcilable conflicts are not met as they have been strategically assessed in advance.

We agree that it will be essential that appropriate environmental assessment is undertaken for specific projects as the detail emerges but do not feel this negates the need for an SEA to be undertaken for the over-arching Plan that the detailed projects are to deliver. Natural England therefore requests that, if it is determined that an SEA is required, this should be submitted with the Draft Local Flood Risk Management Plan at the next consultation stage. The outcomes from the



Natural England is accredited to the Cabinet Office Service Excellence Standard

Subject: FW: SEA for Solway FRMP

Peter Shellard Please note that my 2 contract work days are Tuesday and Wednesday.
Senior Planner in Planning & Environment Department of Dumfries & Galloway Council
Phone: Ext: 01387 260128 Int: 64128
E-mail: <<mailto:peter.shellard@dumgal.gov.uk>>

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From: Berry, Kate (NE) [<mailto:Kate.Berry@naturalengland.org.uk>]
Sent: 11 March 2016 09:59
To: Shellard, Peter
Subject: SEA for Solway FRMP

Dear Peter

Thank you for informing Natural England that, as Dumfries & Galloway Council can see no additional benefits from a separate SEA being documented for the Solway Local Flood Risk Management Plan, that you will make a screening determination that no further SEA is required.

Kind Regards

Kate

Kate Berry
Adviser
Cumbria Team

Please note I do not work Wednesday

Natural England
Juniper House, Murley Moss
Kendal, Cumbria
LA9 7RL

Tel: 0300 060 0067
Mob: 07795 590192

Follow The Natural England Cumbria Team on Twitter: 

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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From: Shellard, Peter [<mailto:Peter.Shellard@dumgal.gov.uk>]
Sent: 08 March 2016 16:01
To: Berry, Kate (NE)
Cc: Templeton, Brian
Subject: RE: phone message

Hello Kate,

Thanks for the email response. I have tried to phone today – several times, but without success.

For your information:

- The HRA requirements for the Solway Local Flood Risk Management Plan are understood and being attended to;
- I note that while your response has been on what you consider to be the appropriate SEA process, you have not identified that there could be any likely significant environmental effects from the Solway LFRMP on the south side of the national border. Such an analysis - of no likely significant environmental effects in Cumbria, would be consistent with what was expected by Dumfries & Galloway Council; and
- I have noted the communication from your colleague Andy Whitehead to Duncan Morrison of Scottish Borders Council in respect of the Screening Opinion for the Scottish Borders Local Flood Risk Management Plan (email 10/12/15): "*Having considered the information provided, and the reasoning behind the conclusions, we agree that there is no requirement for a separate Strategic Environmental Assessment for the LFRMS to be completed.*" This Scottish Borders LFRMP bears the same relation to the National Flood Risk Management Strategy as does the LFRMP for the Solway.

On the basis of all considerations, including the above, Dumfries & Galloway Council intends to make a screening Determination to the effect that no further SEA assessment is required for the Solway Local Flood Risk Management Plan.

If you wish, I would be happy to have a chat about this matter.

Regards,

Peter.

Peter Shellard Please note that my 2 contract work days are Tuesday and Wednesday.
Senior Planner in Planning & Environment Department of Dumfries & Galloway Council
Phone: Ext: 01387 260128 Int: 64128
E-mail: <<mailto:peter.shellard@dumgal.gov.uk>>

Any email message sent or received by the Council may require to be disclosed by the Council under the provisions of the Freedom of Information (Scotland) Act 2002.

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From: Berry, Kate (NE) [<mailto:Kate.Berry@naturalengland.org.uk>]
Sent: 03 March 2016 14:10
To: Shellard, Peter
Subject: phone message

Hi Peter

Kate Berry from Natural England here – thanks for your voicemail.

Apologies for not getting back to you sooner but I have been out of the office and when I called your number today they said you only work Tuesdays and Wednesdays. So I thought it might be easier to email and hopefully we catch each other at some point that way instead!

I assume your query is regarding my response to the SEA screening for the Solway LFRMP and the need for an SEA?

I note that the justification for not needing an SEA was due to there being no additional objectives to those already assessed in the Solway FRMS.

As a suggestion it may be beneficial therefore to pick out which are the specific overlapping objectives with the Solway FRMS that have already been assessed and create a stand-alone SEA for the LFRMP (even if this is just essentially a 'cut and paste') as this will then highlight if any further assessment of these objectives is needed or if there are additional objectives that need further assessment at the more local level? Picking out the specific objectives from the over-arching strategy will also be useful in producing the Habitat Regulations Assessment that will be needed for the Plan anyway.

Anyway hopefully we can have a chat next week

Kind Regards

Kate

Kate Berry
Adviser
Cumbria Team

Tel: 0300 060 0067
Mob: 07795 590192

Please note I do not work Wednesday

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